

REMARKS

In the instant application, claims 1 and 6-12 are pending. Claims 9 and 10 are withdrawn from consideration subject to a Restriction Requirement. Claims 1, 6-8 and 11 are rejected, and claim 12 is objected. In view of the above amendment, and the remarks that follow, the reconsideration and withdrawal of the present basis for rejecting and objecting to the claims herein of this application is respectfully requested.

I. Discussion of the Amendment

Claim 1 is amended to delete "CF₃" in the list of substituent groups of R⁵, delete the proviso "provided that the compound is not 2-methyl-6-trifluoromethyl-1H-indole-3-carboxylic acid benzothiazol-2-ylamide", and delete compounds of formula (I) wherein R⁵ is substituted by CF₃ by adding a proviso "provided that R⁵ is not substituted by CF₃".

Claims 7 and 11 are amended to delete "CF₃" in the list of substituent groups of R⁵, and delete compounds of formula (I) R⁵ is substituted by CF₃ by adding a proviso "provided that R⁵ is not substituted by CF₃".

Applicants reserve the right to pursue the canceled subject matter of claims in a subsequent application.

This amendment to the claims adds no new matter.

II. Discussion of the Rejection under 35 U.S.C. 103(a)

Claims 1, 6-8 and 11 are rejected under 35 U.S.C. 103(a) as being unpatentable over Bourdais (FR 2121394). Specifically, the Examiner asserts that

"[t]he reference discloses structurally similar compounds that are useful as medicaments. The compound of the reference is structurally similar to the claimed compounds wherein X is S, R¹ to R⁴ is H or alkyl and R⁵ is indolyl that is substituted by alkyl and CF₃." See the Action, page 2.

With the above amendment, Applicants respectfully traverse the instant rejection.

Applicants submit that Bourdais does not render the amended claim 1 obvious. Bourdais only exemplifies Applicants' compound of formula (I) wherein R⁵ is indolyl substituted by CF₃ and methyl. Claim 1, however, has been amended to exclude compounds of formula (I) wherein R⁵ is indolyl substituted by CF₃. Bourdais does not specifically teach or suggest any compound of the amended claim 1, i.e., compounds of formula (I) wherein R⁵ is indolyl unsubstituted or substituted by groups other than CF₃. Thus, the amended claim 1 is not obvious in view of Bourdais.

Accordingly, Applicants respectfully request reconsideration and withdrawal of the instant rejection over claims 1, as well as claims 6-8 and 11 by virtue of their dependency on claim 1.

III. Discussion of the Objection

Claim 12 is objected to as being dependent upon a rejected claim.

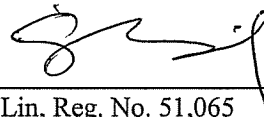
Applicants submit that, as discussed above, claim 1, upon which claim 12 is dependent, has been amended to overcome the Examiner's rejection and is in condition for allowance. Thus, such amendment renders the instant objection moot. Accordingly, Applicants respectfully request reconsideration and withdrawal of the instant objection to claim 12.

IV. Conclusion

In view of the above amendment and remarks, it is respectfully submitted that the present application is in condition for allowance. Early notice to this effect is, thus, respectfully requested.

The Commissioner is hereby authorized to charge the fee required and any additional fees that may be needed to Deposit Account No. **18-1982** in the name of Aventis Pharmaceuticals Inc.

Respectfully submitted,



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